

Docket No.

CI -0006

PATENT

6P1845
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William N. DROHAN, Wilson BURGESS,
David MANN, and Martin J. MACPHEE

Serial No. 09/960,704

Group Art Unit: 1645

Confirm. No.: 4289

Examiner: Randall O. Winston

Filed: September 24, 2001

For: METHODS FOR STERILIZING PREPARATIONS OF GLYCOSIDASES

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is a Reply to Restriction Requirement in the above identified application.

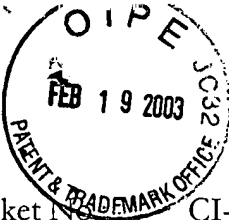
- ☐ No additional fee is required.
☒ Also attached: Petition for Extension of Time

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	271	271	0	x \$9 =	\$0.00
Independent Claims	8	8	0	x \$40 =	\$0.00
If multiple claims newly presented, add \$280.00					
Fee for extension of time					\$55.00
TOTAL FEE DUE					\$55.00

- ☐ Please charge my Deposit Account No. 16-0607 in the amount of \$. An additional copy of this transmittal sheet is submitted herewith.
- ☒ A check in the amount of \$ 55.00 (Check # 8889) is attached.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 16-0607, including any filing fees under 37 C.F.R. 1.16 for presentation of extra claims and any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,
FLESHNER & KIM, LLPDonald R. McPhail
Registration No. 35,811
Timothy M. Speer
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Date: February 19, 2003RECEIVED
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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In reply to the Office Action of December 17, 2002 wherein restriction has been required, Applicants hereby elect Group I (claim 1), with traverse, for prosecution in the above-identified application.

It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Specifically, claims 11-14, 20-23, 32-33, 44-58 and 78-84 depend directly from claim 1 and should be considered part of Group I. Furthermore, as claim 1 recites a method of irradiating a preparation of one or more enzymes, as do claims 2-85, such restriction is improper.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and

examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

Applicant further respectfully submits that applications with similar inventive entities have been classified in class 422 and therefore, Applicant submits that Group I should be classified in class 422 as that class appears to be more closely related than class 435.


If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Laura L. Lee, at the telephone number listed below.

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Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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